

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

CORNELL WELL, JR.,
Plaintiff,

v.

**NATIONAL BOARD OF MEDICAL
EXAMINERS; FEDERATION OF
STATE MEDICAL BOARDS,**
Defendants.

CIVIL CASE NO. 3:21-cv-01279-JSC

**PLAINTIFF'S ADMINISTRATIVE
MOTION TO RESCHEDULE CASE
MANAGEMENT CONFERENCE;
DECLARATION OF ERIC G.
YOUNG IN SUPPORT OF
ADMINISTRATIVE MOTION**

Date: August 11, 2022

Time: 1:30 p.m.

Location: Videoconference

Judge: Hon. Jacqueline Scott Corley, U.S.
District Judge

TO ALL PARTIES AND THEIR COUNSEL:

PLEASE TAKE NOTICE that on August 8, 2022, Plaintiff CORNELL WELLS, JR. ("Plaintiff") will present this Administrative Motion to Reschedule Case Management Conference, and so moves the Court for orders as set forth in the accompanying Proposed Order. Facts in support of the Motion are set forth below and in the attached Declaration of Eric G. Young in Support of Administrative Motion:

1. The Case Management Conference is currently scheduled for August 11, 2022 at 1:30 p.m. via Zoom videoconference
2. I respectfully request the Court continue the Case Management Conference to August 18, 2022 at 1:30 p.m., or to the next available date the Court's schedule can accommodate.
3. This change in scheduling is required for the reasons set forth on the attached Declaration of Eric G. Young in Support of Administrative Motion.

4. Counsel for Defendants has agreed to this change.

5. I have not already asked the Court to change the date of the Case Management Conference.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: August 8, 2022

YOUNG LAW GROUP

By: /s/Eric G. Young, Esq.
ERIC G. YOUNG, ESQ.,
Attorneys for Plaintiff
CORNELL WELLS, JR.

**DECLARATION OF ERIC G. YOUNG IN SUPPORT OF ADMINISTRATIVE
MOTION**

I, ERIC G. YOUNG, declare:

1. I am an attorney duly licensed to practice law before all Courts of the State of California. I am admitted as an attorney to the U.S. District Court for the Northern District of California and the 9th Circuit U.S. Court of Appeals. I am the attorney of record for the Plaintiff CORNELL WELLS, JR. in this action. If called upon, I could and would competently testify to the matters stated herein from my own personal knowledge, except for those matters which are stated on information and belief. As to those matters, I believe them to be true.

2. This Declaration contains additional facts supporting Plaintiff's request to reschedule the Case Management Conference currently scheduled for August 11 2022 at 1:30 p.m.

3. Since 2008, I have experienced significant, degenerative conditions affecting my spine. Over the past year, these conditions have steadily worsened.

4. A little over one month ago, I began to experience symptoms of cervical radiculopathy, I underwent an MRI on July 8, 2022, which showed substantial deterioration of my cervical spine, including retrolisthesis, foraminal narrowing, and severe broad-based disc osteophyte complex pressing on my spinal cord. Since early June, this condition has caused me to experience pain, weakness, and sporadic loss of use of my right hand. I am right handed, so this interferes with many activities of daily life, including work.

5. Once I obtained the MRI results, I immediately requested a surgical consultation with Kaiser. Initially, Kaiser denied my request, referring me to their Sports Medicine Department. Sports Medicine refused to treat me and referred me back to my primary care doctor for a referral to the Kaiser Spine Surgery Department in Oakland. After a referral was made, I was

told I could not get an appointment with an orthopedist until after September 1, 2022, and the appointment would be a video appointment only. This was unacceptable to me.

6. On or about July 18, 2022, I filed a grievance against Kaiser, requesting an in-person appointment with an orthopedist at the earliest opportunity. In response, Kaiser granted me an initial, video appointment with orthopedic surgeon, Dr. Ehsan Tabarahee, on July 25, 2022 to review my situation. At the conclusion of that appointment, Dr. Tabarahee agreed that I needed to have a thorough, in-person examination to determine if I am a candidate for back surgery and, if so, what surgery would be most beneficial.

7. Dr. Tabarahee has made special arrangements to fit me into his schedule on an expedited basis because I filed a grievance. The only day he can see me before September is August 11, 2022. I have been instructed to travel from my home in Rohnert Park to Oakland for a 9:00 a.m. check-in, but I may not be seen right away since I am being “squeezed in.” Once I am seen, I am informed that Dr. Tabarahee will conduct a complete examination of my lumbar and cervical spine as well as other procedures.

8. At this time, I do not know how long this appointment on August 11 will take or what condition I will be in once it is completed. However, it is likely that I will not be able to attend the CMC on August 11, 2022. I do not have an associate to send in my place. Therefore, I respectfully request the Court reschedule the CMC as set forth in this motion so that I can meaningfully participate in the conference.

9. On today’s date, I have met and conferred with Mr. Burgoyne, counsel for Defendants, and advised him of my situation. I will continue to work cooperatively with him on discovery issues so that this matter stays on track.

10. For my own well-being, I need to attend this medical appointment to address the health issues outlined herein. I did not feel like I could reject the appointment at Kaiser on

August 11, having filed a grievance to obtain it. I regret any inconvenience this situation may cause the Court.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: August 8, 2022

YOUNG LAW GROUP

By: /s/Eric G. Young, Esq.
ERIC G. YOUNG, ESQ.,
Attorneys for Plaintiff
CORNELL WELLS, JR.

CERTIFICATE OF SERVICE

Wells v. National Board of Medical Examiners, et al.
USDC-ND, San Francisco Division, Case No. 3:21-cv-01279-JSC

At the time of service, I was over 18 years of age and not a party to this action. My business address is 411 Russell Avenue, Santa Rosa, CA 95403. I am employed in the office of a member of the bar of this Court at whose direction the service was made.

On August 8, 2022 , I served the following identified document(s):

**PLAINTIFF'S ADMINISTRATIVE MOTION TO RESCHEDULE CASE
MANAGEMENT CONFERENCE; DECLARATION OF ERIC G. YOUNG IN
SUPPORT OF ADMINISTRATIVE MOTION**

I served the document(s) on all interested parties as follows:

Name of Party/Counsel Served:

Attorney For:

Aaron Ver Caroline Mew Robert Burgoyne Perkins Coie LLP 505 Howard Street, Ste. 1000 San Francisco, CA 94105 Tel: 415-344-7000 AVer@perkinscoie.com CMew@perkinscoie.com RBourgoyne@perkinscoie.com	Attorneys for NATIONAL BOARD OF MEDICAL EXAMINERS, and FEDERATION OF STATE MEDICAL BOARDS, INC.
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I served the above-named documents as follows:

_____ **BY FACSIMILE TRANSMISSION** - pursuant to agreement of the parties, from fax number (707) 520-7272 to the fax number(s) set forth above. The facsimile machine I used complied with Rule 2.301(3) and no error was reported by the machine. Pursuant to Rule 2.306(h)(4), I caused the machine to print a transmission record, a copy of which is attached.

_____ **BY MAIL -**

_____ By personally depositing the documents in a sealed envelope addressed as set forth above with the U.S. Postal Service, postage fully prepaid, sent by regular mail and certified mail, return receipt requested

_____ By placing documents enclosed in a sealed envelope addressed as set forth above for collection and mailing. I am readily familiar with my firm's practice of collection and processing correspondence for mailing. In the ordinary course of my firm's business, correspondence is deposited with U.S. postal service on the same day it is placed for collection, postage fully prepaid.

Administrative Motion to Reschedule Case Management Conference; Declaration of Eric G. Young in
Support of Administrative Motion

_____ **BY PERSONAL SERVICE** - by delivering a copy of the document(s) by hand to the addressee.

_____ **BY EXPRESS SERVICE** - by depositing in a box or other facility regularly maintained by the express service carrier or delivering to an authorized courier or driver authorized by the express service carrier to receive documents, in an envelope or package designated by the express service carrier with delivery fees paid or provided for, addressed to the person on whom it is to be served.

 X **BY ELECTRONIC TRANSMISSION** - pursuant to agreement of the parties, or by Court order, transmitting a PDF version of the document(s) by electronic mail to the party(ies) identified above using the e-mail address(es) indicated.

_____ **BY ELECTRONIC TRANSMISSION ONLY DURING CORONAVIRUS/COVID-19 PANDEMIC** – The document(s) were emailed to the persons at email addresses listed based on notice previously provided that, during the Coronavirus (COVID-19) pandemic, this office will be primarily working remotely, unable to send physical mail as usual, and is therefore using only electronic mail. No electronic message or other indication that the transmission was unsuccessful was received within a reasonable time after the transmission.

_____ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

 X I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Date: August 8, 2022

YOUNG LAW GROUP

/S/Eric G. Young
Eric G. Young